

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/25/09 S3/12/09

A Bill

SENATE BILL 460

5 By: Senators P. Malone, Altes, Bookout, Broadway, Bryles, Capps, Crumbly, Elliott, Glover, Hendren,
6 G. Jeffress, J. Jeffress, J. Key, Luker, Madison, Miller, Salmon, T. Smith, J. Taylor, Teague, R.
7 Thompson, H. Wilkins, D. Wyatt, *Whitaker*
8 By: Representatives Maxwell, Abernathy, T. Baker, Betts, T. Bradford, J. Brown, Carroll, Cash,
9 Cheatham, Cole, Dale, Davenport, Davis, J. Dickinson, Everett, Gaskill, Harrelson, House, Hyde, Kidd,
10 Lea, Lowery, McLean, Nix, Patterson, Pierce, Powers, Reep, J. Roebuck, J. Rogers, T. Rogers, Sample,
11 Shelby, G. Smith, L. Smith, Stewart, Summers, Wagner, Webb, B. Wilkins, Woods
12
13

For An Act To Be Entitled

14 *AN ACT REGARDING STATE FUNDED PHARMACY BENEFIT*
15 *PLANS; AND FOR OTHER PURPOSES.*
16
17

Subtitle

18 *AN ACT REGARDING STATE FUNDED PHARMACY*
19 *BENEFIT PLANS.*
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 4, Chapter 88 is amended to add an
26 additional subchapter to read as follows:

27 4-88-801. Title.

28 This subchapter shall be known and may be cited as the "Fair Disclosure
29 of State Funded Payments for Pharmacists' Services Act".
30

31 4-88-802. Definitions.

32 As used in this subchapter:

33 (1) "Pharmacy benefits manager" or "PBM" means an entity that
34 administers or manages a covered entity's pharmacy benefits plan or program;

35 (2) "Pharmacy benefits plan or program" means any plan or
36 program that uses state dollars to furnish, cover the cost of, or otherwise



1 provide for pharmacist services to individuals who reside or are employed in
2 this state;

3 (3) "Pharmacist" means licensed pharmacist as defined in § 17-
4 92-101;

5 (4) "Pharmacist services" means products, goods, or services
6 provided as a part of the practice of pharmacy as defined in § 17-92-101 to
7 individuals who reside or are employed in this state; and

8 (5) "Pharmacy" means the same as defined in § 17-92-101.

9
10 4-88-803. Required practices.

11 (a) A PBM, when seeking payment or reimbursement for pharmacist
12 services or reporting expenditures for pharmacist services, shall itemize by
13 individual claim:

14 (1) The amount actually paid or to be paid to the pharmacy or
15 pharmacist for the pharmacist services;

16 (2) The identity of the pharmacy or pharmacist actually paid or
17 to be paid; and

18 (3) The prescription number or other identifier of the
19 pharmacist services.

20 (b) A PBM shall pay the amounts it receives for pharmacist services to
21 the pharmacies or pharmacists that provided the pharmacist services.

22 (c) This section does not:

23 (1) Require a PBM to set specific fees, rates, or schedules for
24 payment for pharmacist services;

25 (2) Prohibit a PBM from charging for any services in addition to
26 pharmacist services; or

27 (3) Require a PBM to pay a pharmacy or pharmacist more on any
28 claim than the amount disclosed under subdivision (a)(1) of this section.

29
30 4-88-804. Enforcement.

31 A violation of this subchapter is a deceptive and unconscionable trade
32 practice under the Deceptive Trade Practices Act, § 4-88-101 et seq.

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34 */s/ P. Malone*